

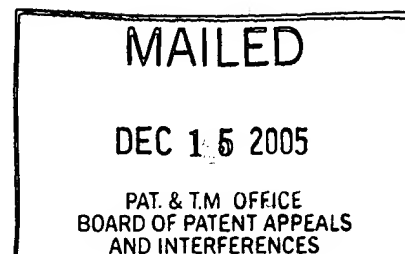
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCE

Ex parte JUERGEN REINOLD and DONALD J. REMBOSKI

Appeal No. 2006-0342
Application 09/944,893

ORDER REMANDING TO EXAMINER



On August 10, 2005, the Examiner's Answer included a new ground of rejection which was directed to all of the claims under appeal. A review of the file did not reveal a signature from the Technology Center (TC) Director. The Manual of Patent Examining Procedure (MPEP) (8th Ed., August 2001) § 1207.03 states:

I. REQUIREMENTS FOR A NEW GROUND OF REJECTION

Any new ground of rejection made by an examiner in an answer must be:

(A) approved by a Technology Center (TC) Director or designee; and

(B) prominently identified in the "Grounds of Rejection to be Reviewed on Appeal" section and the "Grounds of Rejection" section of the answer (see MPEP § 1207.02). The examiner may use form paragraph 12.154.04.

The examiner's answer must provide appellant a two-month time period for reply. The examiner may use form paragraph 12.179.01 to notify appellant of the period for reply and to

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include the approval of the TC Director or designee. In response to an examiner's answer that contains a new ground of rejection, appellant must either file:

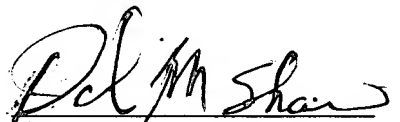
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The Examiner's Answer mailed on August 10, 2005, is deficient in that there is not a TC Director signature on the examiner's answer containing a new grounds of rejection.

Accordingly, it is ORDERED that the application is remanded to the Examiner:

- 1) to have the examiner answer containing a new ground of rejection approved by a TC Director; and
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCE



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